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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

MAR 26 1983

SUBJECT: Approval of a Removal Action
Baker Brothers Scrap Yard Site
East Buffalo Township, Union County, Pennsylvania

FROM: *for* Stanley L. Laskowski *W. Laskowski*
Acting Regional Administrator (3RA00)

TO: Richard J. Guimond, Acting Assistant Administrator
Office of Solid Waste and Emergency Response (OS-100)

THRU: Henry Longest II, Director
Office of Emergency and Remedial Response (OS-200)

ATTN: Deborah Dietrich, Acting Director
Emergency Response Division (OS-210)

I. ISSUE

The attached Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") Funding Request pertains to the Baker Brothers Scrap Yard Site in East Buffalo Township, Union County, Pennsylvania. An assessment conducted in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, identified the release of hazardous substances at the Site. A report by the Agency for Toxic Substances and Disease Registry confirmed that these materials pose an imminent and substantial endangerment to public health, welfare, and to the environment. Lead contaminated soils onsite pose a direct contact threat to the public and may migrate via water and wind erosion.

The OSC has determined that this Site meets the criteria for initiating a Removal Action under Section 300.415 of the NCP. Funds have been requested in the amount of \$1,001,432 of which approximately \$697,413 are Regional Allowance Costs, to mitigate the threats posed by this Site. Pursuant to Delegation of Authority 14-1-A giving the Regional Administrator authority to approve CERCLA Removal Actions with a total cost of less than \$2 million and completion within 12 months, Region III has approved this request for funds.

Attachment: Request for Funding for Removal Action

AR200001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

MAR 26 1993

SUBJECT: Request for Funding for Removal Action
Baker Brothers Scrap Yard Site
East Buffalo Township, Union County, Pennsylvania

FROM: William D. Steuteville, On-Scene Coordinator
Western Response Section (3HW32)

TO: Stanley L. Laskowski
Acting Regional Administrator (3RA00)

THRU: Abraham Ferdas, Associate Division Director
for Superfund Programs (3HW02)

I. ISSUE

The Baker Brothers Scrap Yard Site ("Site") is located in East Buffalo Township, Union County, Pennsylvania. An assessment conducted in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, identified the release of hazardous substances at the Site. A report by the Agency for Toxic Substances and Disease Registry ("ATSDR") confirmed that these hazardous substances pose an imminent and substantial endangerment to public health, welfare, and to the environment. Lead contaminated soils onsite pose a direct contact threat and may migrate from the Site via water and wind erosion.

Soil sample analyses indicate that lead concentrations in soil at the Site are between 7,060 and 13,000 parts per million ("ppm"). The Agency for Toxic Substances and Disease Registry has notified EPA that lead concentrations in soil on the Site exceed the level for health concern and concluded that the levels pose a threat to children and would pose a potential threat under future industrial, commercial or residential land use due to the potential for direct human contact and potential for migration of hazardous materials into the residential/commercial neighborhood surrounding the scrap yard.

The OSC has determined that this Site meets the criteria for initiating a Removal Action pursuant to Section 300.415 of the NCP and Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §9604 and poses an imminent and substantial endangerment to public health, welfare and the environment. Removal response funds in the amount of \$1,001,432 are needed in order to mitigate the threat to public health and the environment posed by this Site. The OSC

AR200002

believes that response actions must be initiated immediately before warm Spring weather brings children outdoors to play on or near the Site and the outdoor booths become active at the Farmers Market across the road from the Site.

II. BACKGROUND

A. Site Description

The Site, as it is understood today, is approximately 8 acres and is located in a residential/commercial area of East Buffalo Township near Lewisburg, Pennsylvania. However, the Site would also include any areas in the residential/commercial neighborhood of East Buffalo and beyond subsequently found to be impacted with lead from the scrap yard. The Site is bordered by a Pennsylvania Department of Transportation ("PENNDOT") facility to the north, several small businesses to the east, an active railroad spur (which carries tourists on weekends) to the south, and Fairground Road to the west which separates the Site from an outdoor/indoor Farmers Market and the East Buffalo Township Building directly across the street. Access to the Site is unrestricted on three sides.

The West Branch of the Susquehanna River is located within two miles of the Site. One Susquehanna River tributary, Buffalo Creek, is located within one mile of the Site; another, Bull Run Creek, is located within one-quarter mile of the Site. An elementary school yard is located less than two hundred feet from the Site. A middle school is located approximately 500 feet from the Site. The closest residential properties, as well as several commercial properties, are located less than 50 feet from the Site. Approximately 233 persons live within a quarter-mile of the Site. The Farmers Market is located directly across Fairground Road from the Site. During warm weather, food, clothing and other consumer goods are sold in open booths at the market attracting large crowds of market-goers every Wednesday. The closest booths are no more than 50 feet from the Site.

The Site contains one building and several clumps of trees; otherwise, the Site is an open field of weed-like vegetation with numerous sparsely vegetated or barren areas. Pieces of broken battery casings can be seen scattered on the soil surface over much of the Site.

B. Site Background

The Site was owned and operated as a salvage/scrap metal yard by the Baker family from at least 1961 until approximately 1984. Scrap and junk equipment and materials, including used automobiles, transformers and batteries, were stored and salvaged on the property. According to local officials, batteries were stored and crushed on the open ground or on a cement pad where metallic lead

AR200003

pieces were collected for recycling. Automobiles and other items were salvaged for parts or scrapped and sold as metal scrap. According to the current Site owner, a large amount of metal and waste was removed from the Site between 1984 and 1992. Battery casings are scattered in surface soils over much of the Site.

The Site is currently for sale. County officials were concerned that residual soil contamination from historic recycling activities may have made the property unsuitable for development. County officials requested the assistance of the EPA to assess the Site. In response to this request, the OSC conducted a Site assessment on September 16, 1992, and subsequently confirmed the presence of elevated concentrations of lead in soils on the Site.

The soil sample analyses indicated average lead concentrations throughout the Site are between 7,060 to 13,000 ppm. Soil sample analyses for polychlorinated biphenyls ("PCBs") confirmed the presence of PCBs in low concentrations in several locations at the Site. The highest PCB concentration, 6.46 ppm, was found where a transformer storage area at the Site was reported to have been located. Based upon the presence of battery casings and the recollections of local officials, the lead concentrations are the result of battery recycling operations. Specifically, it is assumed that lead pieces and residues from the broken batteries were spilled, dumped or disposed on the ground and that battery acids containing dissolved lead or lead-containing sludges were poured, emptied, leaked, or seeped onto the ground when the batteries were broken. The PCB concentrations are likely to have resulted from the leakage, spillage, or dumping of PCB-containing transformer fluids or hydraulic oils.

The OSC submitted a data package to ATSDR and requested ATSDR assistance and guidance in evaluating the lead and PCB data at the Site. In its discussion of Site conditions, ATSDR found that lead concentrations in soils exceeded levels of health concern. ATSDR concluded that lead levels at the Site pose a threat to young children, that development of the Site may result in human exposures to contamination that could present a public threat and that additional information is necessary to determine if there are other Site impacts and if migration has occurred. ATSDR recommended that public access be restricted and assurances be made that additional impacts do not occur due to the migration of lead from the Site.

C. Types of Substances Present

During the Site assessment on September 16, 1992, eight composite samples were collected from 72 locations and analyzed for metals. All onsite samples yielded analytical results indicating elevated lead levels. The lead concentrations ranged between 7,060 and 13,000 ppm. Lead is a hazardous substance pursuant to Section 101(14) of the CERCLA, 42 U.S.C. §9601. The lead concentrations

AR200004

found at the Site are approximately 50 to 100 times greater than would be expected in a native soil due to naturally occurring lead and 50 to 100 times greater than the lead concentrations yielded from the two offsite sample locations.

Several soil samples yielded analytical results indicating the presence of low concentrations of PCBs. The highest PCB concentration was 6.46 ppm. PCB is a hazardous substance pursuant to Section 101(14) of CERCLA, 42 U.S.C. §9601. PCBs are man-made and are not naturally occurring substances in soils.

The spillage, dumping, disposal, leaking, pouring, emptying or leaching of hazardous substances is a "release" of hazardous substances pursuant to Section 101(22) of CERCLA. Therefore, hazardous substances have been released at the Site.

D. National Priorities List Status

Site data has been referred to the Region III Site Investigation Section for review; however at this time, the Baker Brothers Scrap Yard Site has not been evaluated for placement on the National Priorities List ("NPL"), nor has it been scored under the Hazard Ranking System ("HRS").

E. State and Local Authorities' Roles

The OSC has been working closely with State and County officials in planning the response measures proposed herein. The OSC solicited comments and sought the support and involvement of the Pennsylvania Department of Environmental Resources ("PADER"), Union County, East Buffalo Township, the City of Lewisburg and the local water authority in considering response options before finalizing this funding request and action plan. Union County officials requested EPA assistance at the Site. PADER notified EPA that it is appropriate that EPA undertake response action at the Site. The OSC will continue to coordinate with local and State officials.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

The following conditions have been identified by the OSC as threats to public health or welfare or to the environment in making the endangerment determination found in Section IV, below.

At the request of the OSC, ATSDR reviewed Site data. ATSDR has found that soil lead concentrations onsite exceed levels of health concern and concluded that lead contamination onsite currently poses a threat to young children exposed to the Site and potentially poses a threat in circumstances of residential, commercial or industrial land development.

AR200005

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b) (2) (i), (vii) and (viii) of Section 300.415 directly apply as follows to the conditions at the Baker Brothers Scrap Yard Site:

- A. 300.415 (b) (2) (i) "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants."

Site access is unrestricted. There are approximately 233 persons residing and two schools located within one-quarter mile of the Site. Numerous residential and commercial properties are adjacent to or within 50 feet of the Site. A Farmers Market where food, produce, clothing and other consumer goods are bought and sold is located directly across the street from the Site. Lead contaminated soil could be tracked by automobiles or blown by wind from the scrap yard, including the road ditch along Fairground Road into the nearby residential and commercial neighborhood. It is possible that lead has already been released from the scrap yard in this manner, and that such lead may have been deposited in these residential and commercial areas. Vehicle traffic on Fairground Road and wind could disturb and cause to become airborne lead contaminated soil and dust at the edge of the Site and in the road ditch across the street from the Farmers Market. This airborne lead contamination could be blown directly onto food and consumer goods in open-air booths at the Farmers Market, as well as market-goers, thereby exposing humans and food supplies to lead contamination. In fact, all the potential occurrences described above may have occurred already or be occurring today.

LEAD CONTAMINATION POLICY ISSUES

Lead has been identified on the soil surface throughout the Site in quantities exceeding levels of health concern. Children and others can enter the Site and come in direct contact with lead contaminated soils at the Site. The potential threat of exposure exists at the Site due to direct contact and through food and produce sold at the Farmers Market. ATSDR has confirmed that these lead levels are particularly hazardous to young children.

- B. 300.415 (b) (2) (iv) "High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate."

Lead has been identified in the surface soils throughout the Site in concentrations as high as one percent. ATSDR has notified EPA that these lead concentrations exceed levels of health concern. Large areas of the Site are sparsely vegetated or barren of vegetation. Surface soils, particularly barren areas, are subject to wind and surface water erosion which may cause lead to migrate.

C. 300.415 (b) (2) (vii)

"The availability of other appropriate federal or state response mechanisms to respond to the release."

Local officials have requested EPA assistance at the Site. The OSC discussed State response options with PADER officials and it was agreed that CERCLA authorities should be pursued in order to effect timely response action at the Baker Brothers Scrap Yard Site. PADER has notified EPA that it is appropriate that EPA pursue response action at the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, and to the environment.

V. PROPOSED ACTION AND COSTS**A. Actions****1. Planned Actions**

The actions proposed for the Baker Brothers Scrap Yard Site are designed to eliminate, abate or mitigate the release of hazardous substances and the potential threat to human health, welfare, and the environment posed by the site. The following actions are proposed:

- o Restrict Site access.
- o Construct erosion and sedimentation controls and other engineering measures to minimize, and prevent if possible, the waterborne and airborne migration of contamination from the Site.
- o Perform an extent of contamination investigation of the scrap yard and the surrounding residential and commercial neighborhood.

2. Contingent Actions

In addition and contingent upon the results of the extent of contamination investigation, the following actions are proposed to address contamination, if any, identified in the residential and commercial neighborhood surrounding the former scrap yard attributable to scrap yard activities:

- o Excavation of any contaminated soils in the residential and commercial neighborhood surrounding the former scrap yard pursuant to EPA OSWER policy and guidance, as appropriate.
- o Interior cleaning of dwellings for such residences where exterior soils are excavated due to contamination attributable to the former scrap yard operations. Such interior cleaning will address housedust and dirt, but not lead contamination in paint on walls and ceilings nor in lead pipes and leaden solder.
- o Provision of potable water to any impacted private water supplies by connection to existing water lines where available or through provision of bottled water.

Based upon limited Site data, it is not known whether or not contamination will be discovered in the residential and commercial neighborhood surrounding the scrap yard. However, contamination in the surrounding neighborhood is possible and would increase potential risks and require further immediate response action. Therefore, funds to address such an occurrence are included in this funding request and such response actions are included in the proposed actions. The funding proposed herein is believed to be sufficient to address the planned response actions as well as limited contingent actions, if necessary. It is currently estimated that the project will run less than the statutory 12-month time limit for removal actions barring unforeseen circumstances or disposal restrictions. Although it is not expected, if lead contamination in the surrounding neighborhood is widespread additional funding may be necessary.

3. Recommendations and Potential Future Actions

The response actions proposed in this funding request are designed to address the release of hazardous substances at the Site and to address the immediate public and environmental risks associated with such release. However, the response action proposed in this funding request will not address ATSDR's conclusions regarding the potential risks posed by future development of the Site. Nor will these response actions prevent future exposure to individuals with legal access to the Site from working on the Site without appropriate protective equipment and without appropriate control measures to prevent hazardous substance migration. Finally, these response actions alone will not provide for long-term or permanent remedy for the elevated lead levels at the scrap yard even though such lead may migrate or continue to migrate from the scrap yard. No response actions are proposed herein to address these concerns because there are not enough data available at this time (nor will such data be available until an

AR200008

extent of contamination investigation is conducted) to estimate the costs of such actions and evaluate potential waiver criteria associated with such costs.

Until such time as lead contamination on the scrap yard is removed, treated or remediated, the OSC recommends that no development or activities occur at the Site which may result in the exposure of workers or the public to hazardous substances or which may cause the migration of hazardous substances. The OSC shall, as specified in #1 above, undertake extent of contamination investigation in order to provide sufficient data to determine the need for and extent of further response action. When such data becomes available, the OSC shall review the data and seek, as appropriate, the funding to pursue additional response action, including the removal, treatment or other permanent remediation of contamination on the scrap yard.

B. Estimated Costs

Proposed Costs

Extramural Costs

Regional Allowance Costs

*ERCS \$606,446

15% Contingency 90,967

Other Costs Not Funded From the Regional Allowance

TAT 92,714

Subtotal Extramural \$790,127

*20% Contingency 158,025

Total Extramural \$948,152

Intramural Costs

Direct Costs 29,280

Indirect Costs 24,000

Total Intramural \$53,280

Estimated Total Project Ceiling \$1,001,432

(*Several funding assumptions and cost contingencies are included in these estimates due to unknown extent of contamination.)

C. Contribution to Remedial Performance and Future Actions

The Baker Brothers Scrap Yard Site is a not an NPL Site; therefore, there are no plans for a CERCLA Remedial action at this time. However, based upon available information, the proposed Removal Action is not expected to impede any future response action at this Site and will contribute to any future remedial performance through elimination of continued migration of contamination from

the Site.

The proposed Removal Action is expected to mitigate or abate immediate threats that meet the NCP criteria for a Removal. However, this funding request does not provide for disposal or treatment of contaminated scrap yard soils nor will this funding provide for permanent Site stabilization. Further response action through CERCLA Removal or Remedial authorities or State authorities may be necessary at the Site immediately or in the future. The proposed response action will include the gathering of extent-of-contamination information necessary to implement this Removal action. This extent-of-contamination investigation will also provide necessary data to evaluate the potential need for further response action.

D. Compliance with ARARs

This Removal response action will be conducted in a manner designed to comply with all applicable, or relevant and appropriate environmental and health requirements ("ARARs"), to the extent practicable considering the exigencies of the situation. The OSC has involved State and local officials in the planning of response activities for the Site. The OSC has provided information, including Material Safety Data Sheets, to the Local Emergency Planning Commission ("LEPC") (and to other local officials) consistent with the Superfund Amendments and Reauthorization Act ("SARA") Title III requirements.

The OSC is pursuing the identification of and compliance with ARARs, to the extent practicable, for the proposed Removal response activities. The OSC will coordinate with appropriate Federal, Commonwealth of Pennsylvania and East Buffalo Township contacts to ensure that Federal, Commonwealth and local ARARs are identified and complied with to the extent practicable.

The OSC has written to the Commonwealth of Pennsylvania and requested identification of ARARs by March 21, 1993. The OSC will address any timely identified ARARs.

The Site, as it is currently defined, does not comprise any wetlands areas. For the known response activities: fencing, sampling and erosion control, the OSC is not aware of any Federal environmental regulations which bear upon Site activities. However, PADER erosion and sedimentation control regulations pursuant to Chapter 102 of the Pennsylvania Clean Streams Law are applicable.

For excavation activities contingent upon the finding of elevated soil lead concentrations in the surrounding neighborhood, there exist EPA OSWER Superfund policy and guidance for CERCLA response activities regarding lead and PCB soil contamination. The above mentioned ARARs may be applicable or relevant and appropriate

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to such excavation activities. The OSC will adhere to Resource Conservation and Recovery Act ("RCRA") and Toxic Substances Control Act ("TSCA") disposal regulations, where applicable, for on-site treatment, storage or disposal of lead or PCB contaminated soils. And, finally, the OSC will provide appropriate notification and information to the National Resource Trustees, the National Oceanographic and Atmospheric Administration ("NOAA") and the Department of the Interior ("DOI"), in an effort to identify ARARs and other environmental concerns and regulatory issues that may impact Site response activities.

For the currently identified ARARs, the OSC is not aware of circumstances which would preclude compliance with such ARARs at this time. ARARs and other response issues will continue to be investigated and monitored for the duration of the response action.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN OR SHOULD ACTION BE DELAYED

Should action be delayed or withheld the risk of immediate lead exposure to children and others, including consumers and vendors at the Farmers Market, increases significantly as warmer Spring weather brings people outdoors. Furthermore, the likelihood of significant offsite migration and ground water infiltration of Site contaminants increases each year that response action and investigation are delayed. Delay will result in greater public risk and more widespread contamination and increased response costs.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with the Baker Brothers Scrap Yard Site.

VIII. ENFORCEMENT

See the attached Confidential Enforcement Status report for further information regarding enforcement.

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IX. RECOMMENDATION

Because the conditions at the Baker Brothers Scrap Yard Site meet the NCP Section 300.415 criteria for a Removal Action, I recommend your immediate approval of this request for \$1,001,432 of which approximately \$697,413 are Regional Allowance Costs. Please indicate your approval or disapproval by signing below. Your signature below will document your approval of the funding, scope of work, and the OSC's determination that a release of hazardous substances and a threat to the public health, welfare, and the environment exist at the Site.

Approved:

Stanley L. Laskowski
for Stanley L. Laskowski,
Acting Regional Administrator

Date: 3-25-93

Disapproved:

Stanley L. Laskowski,
Acting Regional Administrator

Date:

Attachment: **Confidential Enforcement Status report**

AR200012